

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL HORACEK AND
PHILLIP CIRISAN,

Plaintiffs,

v.

PATRICIA CARUSO, et al.,

Defendants.

Case No.: 1:08-cv-262

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that Defendants Patricia Caruso, Carol Howes, Linda Beckwith, and Donald A. Tompkins's Motion to Dismiss for Failure to Exhaust (Dkt. #18) is **GRANTED**. Plaintiff Daniel Horacek and Phillip Cirisan's action is **DISMISSED**.

Dated: January 15, 2009

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge